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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,238	12/18/2000	Takao Shimizu	FUJR 18.085	4903
26304	7590	08/27/2004		EXAMINER
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			MAIS, MARK A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/740,238	SHIMIZU, TAKAO
Examiner	Art Unit	
Mark A Mais	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 August 0204.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-30 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 18 December 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Priority***

1. Acknowledgement is made of the claim for foreign priority under 35 U.S.C. 119(a)-(d), and receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on December 18, 2000, was filed together with the current Application. The submission is in compliance with the provisions of 37 CFR 1.56 and 1.97. Accordingly, the examiner considered the information disclosure statement. The signed PTO-1449 was sent with the previous Office Action. Accordingly, this Office Action does include the signed PTO-1449.

***Drawings***

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. With regard to claims 1, 11, and 21, they each recite the limitation "the frames" on page 26, line 13; page 28, line 26; and page 31, line 15, respectively. There is insufficient antecedent basis for these limitations in the claims. Examiner has interpreted the term "the frames" as at least one of the "at least one the three types of frames" disclosed in claim 1, page 26, line 10; claim 11, page, 28, lines 23-24; and claim 21, page 31, line 9. Appropriate correction is required.
7. Furthermore, claims 1, 11, and 21 also recite the limitation "transferred" on page 26, line 13; page 28, line 26; and page 31, line 15. There is insufficient antecedent basis for this limitation in the claim. Examiner has interpreted the term "transferred" as the transfer of at least one of the "at least one of the three types of frames" that are transferred from the input-side process to the output-side process. Appropriate correction is required.
8. Claims 2-10, 12-20, and 22-30 are rejected as being dependent on rejected claims.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 6-8, 11-14, 16-18, 21-24, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Jurkevich et al. (USP 5,164,938).

11. With regard to claim 1, Jurkevich et al. discloses a communications apparatus (**Fig. 3 EFPS 41 also shown in detail in Fig. 2**) for communicating speech and data, the apparatus comprising: frame controlling means (**Fast Packet Switch (FPS)**, col. 9, lines 40-45; Figs. 2-4, **Endpoint Fast Packet Switch (EFPS)**, **Transit Fast Packet Switch (TFPS)**, col. 9, line 54 to col. 10, line 2) for integrating speech frames (**col. 1, lines 25-34**), being speech signals made into frames, and data frames (*Ibid.*), being data made into frames (*Ibid.*), into integrated frames (*Ibid.*; ‘composite frames’, col. 3, lines 23-30) and performing routing control of the speech frames, the data frames, and the integrated frames (**Fig. 3, EFPS 41; shown in more detail in Fig. 2, wherein Subscriber Processing Unit (SPU) 28 and Universal Control Unit (UCU) 27 of Subscriber Line System (SLS) 25, col. 11, lines 44-50, route the frames through the switch fabric to the outgoing UPUs 36 and TCUs 37 of Trunk Line System (TLS) 26 col. Col. 10, lines 51-64**);

input processing means for storing (**buffer and/or queue size is discussed for switches, col. 15, lines 36-57**) and managing at least one of the three types of frames of the speech frames, the data frames, and the integrated frames (**an EFPS can send multiple frames types, which**

**are then parsed out and distributed to their respective destinations at the receiving EFPS, col. 14, lines 6-9; see also col. 17, lines 14-18, composite frames types are used in circuit/packet switch hybrid); and**

**output processing means for storing (buffer and/or queue size is discussed for switches, col. 15, lines 36-57) and managing the frames transferred (an EFPS can send multiple frames types, which are then parsed out and distributed to their respective destinations at the receiving EFPS, col. 14, lines 6-9; see also col. 17, lines 14-18, composite frames types are used in circuit/packet switch hybrid), setting a bandwidth ratio of the frames dynamically (Fig. 2, SPU 28 reserves bandwidth on the VCP through a channel request, col. 23, lines 5-9; col. 24, lines 34-54 discuss the bandwidth allocation rules; bandwidth seizing and corresponding rules are discussed for applications requiring more bandwidth than is currently available on one channel, col. 26, lines 10-32), and transmitting the speech frames, the data frames, and the integrated frames from on lines (Figs. 11(a) through 11(d); col. 29, 21 to col. 31, line 13).**

12. With regard to claim 11, Jurkevich et al. discloses a communications system for communicating speech and data, the system comprising:
  - a telephone switching system (Fig. 4, PBX 67);
  - network connecting device for performing a connecting process between networks (Fig. 4, Integrated Network Services (INS) 50); and
  - a communication apparatus comprising frame controlling means (Fast Packet Switch (FPS), col. 9, lines 40-45; Figs. 2-4, Endpoint Fast Packet Switch (EFPS), Transit Fast

**Packet Switch (TFPS), col. 9, line 54 to col. 10, line 2**) for integrating speech frames (**col. 1, lines 25-34**), being speech signals made into frames (*Ibid.*), and data frames (*Ibid.*), being data made into frames (*Ibid.*), into integrated frames (*Ibid.*; ‘composite frames’, **col. 3, lines 23-30**) and performing routing control of the speech frames, the data frames, and the integrated frames (**Fig. 3, EFPS 41; shown in more detail in Fig. 2, wherein Subscriber Processing Unit (SPU) 28 and Universal Control Unit (UCU) 27 of Subscriber Line System (SLS) 25, col. 11, lines 44-50, route the frames through the switch fabric to the outgoing UPUs 36 and TCUs 37 of Trunk Line System (TLS) 26 col. Col. 10, lines 51-64**);

input processing means for storing (**buffer and/or queue size is discussed for switches, col. 15, lines 36-57**) and managing at least one of the three types of frames of the speech frames, the data frames, and the integrated frames (**an EFPS can send multiple frames types, which are then parsed out and distributed to their respective destinations at the receiving EFPS, col. 14, lines 6-9; see also col. 17, lines 14-18, composite frames types are used in circuit/packet switch hybrid**); and

output processing means for storing (**buffer and/or queue size is discussed for switches, col. 15, lines 36-57**) and managing the frames transferred (**an EFPS can send multiple frames types, which are then parsed out and distributed to their respective destinations at the receiving EFPS, col. 14, lines 6-9; see also col. 17, lines 14-18, composite frames types are used in circuit/packet switch hybrid**), setting a bandwidth ratio of the frames dynamically (**Fig. 2, SPU 28 reserves bandwidth on the VCP through a channel request, col. 23, lines 5-9; col. 24, lines 34-54 discuss the bandwidth allocation rules; bandwidth seizing and corresponding rules are discussed for applications requiring more bandwidth than is**

**currently available on one channel, col. 26, lines 10-32),** and transmitting the speech frames, the data frames, and the integrated frames from on lines and connected to at least one of an office telephone interface line of the telephone switching system (Fig. 4, PBX 76), an office data interface line of the network connecting device (Fig. 4, LAN 75), and an interoffice trunk line (Fig. 2, TLS 26; *see also* Figs. 11(a) through 11(d)).

13. With regard to claim 21, Jurkevich et al. discloses a method for integrating speech and data for communicating by integrating and controlling speech and data, the method comprising:

the step of integrating speech frames (**col. 1, lines 25-34**), being speech signals made into frames (*Ibid.*), and data frames (*Ibid.*), being data made into frames (*Ibid.*), into integrated frames (*Ibid.*; ‘composite frames’, **col. 3, lines 23-30**);

**the step of an input-side process of storing (buffer and/or queue size is discussed for switches, col. 15, lines 36-57)** and managing at least one of the three types of frames of the speech frames, the data frames, and the integrated frames (Fig. 2, SLS 25 provides access and SPU 28 controls each type of line/frame, **col. 10, lines 37-50**);

the step of performing routing control of the speech frames, the data frames, and the integrated frames (Fig. 3, EFPS 41; shown in more detail in Fig. 2, wherein Subscriber Processing Unit (SPU) 28 and Universal Control Unit (UCU) 27 of Subscriber Line System (SLS) 25, **col. 11, lines 44-50**, route the frames through the switch fabric to the outgoing UPUs 36 and TCUs 37 of Trunk Line System (TLS) 26 **col. 10, lines 51-64**); and

the step of an output-side process of storing (buffer and/or queue size is discussed for switches, **col. 15, lines 36-57**) and managing the frames transferred (an EFPS can send

**multiple frames types, which are then parsed out and distributed to their respective destinations at the receiving EFPS, col. 14, lines 6-9; see also col. 17, lines 14-18, composite frames types are used in circuit/packet switch hybrid), setting a bandwidth ratio of the frames dynamically (Fig. 2, SPU 28 reserves bandwidth on the VCP through a channel request, col. 23, lines 5-9; col. 24, lines 34-54 discuss the bandwidth allocation rules; bandwidth seizing and corresponding rules are discussed for applications requiring more bandwidth than is currently available on one channel, col. 26, lines 10-32), and transmitting the speech frames, the data frames, and the integrated frames from on lines (Figs. 11(a) through 11(d); col. 29, 21 to col. 31, line 13).**

14. With regard to claims 2, 12, and 22, Jurkevich et al. discloses that the integrated frames use the in-use speech frames and reallocates the rest of the frames (bandwidth reservation/allocation) to data (**col. 4, lines 33-43 wherein priority allocation is given to higher priority traffic types (e.g., real-time voice or multimedia packets) and the rest to lower priority traffic (e.g., low-priority Ethernet or IP packets)**).

15. With regard to claims 3, 13, and 23, Jurkevich et al. discloses integrated frames having higher priority fields based on connection-mode (e.g., establishing a virtual channel (VC) and virtual path (VP)) over connectionless-mode traffic (e.g., Ethernet or IP) (**Fig. 6(a) wherein the payload type (PT) is given higher precedence over the VP ID, col. 17, lines 37-41; and wherein the prioritized flow control (PFC) field contain an 'A' bit indicating that flow control (e.g., connection-mode channel with real-time voice or multimedia packets) is**

**required and a ‘B’ and ‘C’ bit indicating that presence or absence of specific channel types (e.g., low-priority Ethernet or IP packets), col. 17, lines 5-27).**

16. With regard to claims 4, 14, and 24, Jurkevich et al. discloses an information field for controlling common lines (Fig. 6(a) wherein the payload type (PT) is given higher precedence over the VP ID, col. 17, lines 37-41; and wherein the prioritized flow control (PFC) field contain an ‘A’ bit indicating that flow control (e.g., connection-mode channel with real-time voice or multimedia packets) is required and a ‘B’ and ‘C’ bit indicating that presence or absence of specific channel types (e.g., low-priority Ethernet or IP packets), col. 17, lines 5-27).

17. With regard to claims 6-8, 16-18, and 26-28, Jurkevich et al. discloses that the scheduling/routing of the frames are performed based on the frames (the PFC bits are used for prioritization of data and flow control and interpreted as scheduling information, col. 18, lines 38-52 (and discussion for claims 3 and 4; *see also* col. 21, lines 10-35 discussing the absence of need for network management system (NMS) control for priority levels, flow control, and congestion control).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Jurkevich et al. in view of Tanaka et al.***

19. Claims 5, 15, and 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkevich et al. in view of Tanaka et al. (USP 6,070,201).

20. With regard to claims 5, 15, and 25, Jurkevich et al. does not specifically disclose that the input side of the switch has two storage areas and switches storage areas every cycle. It is known in the art to use multiple queues/buffers/memories on an input side and to cycle through the queues/buffers/memories for flow control. Jurkevich et al. discloses the use of integrated packets for transferring both data and voice frames/packets (**Abstract**). Tanaka et al. discloses an input memory device for receiving packets into multiple buffers/memory (**Abstract**). Moreover, multiple storage devices store data read from input by sequentially switching the memory groups every cycle (**col. 8, lines 53-58**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to transfer and receive the integrated packets of Jurkevich et al. by using multiple queues/buffers/memories at the input side and switching the multiple queues/buffers/memories every cycle in order to increase processing speed and packet transfer efficiency (**col. 1, lines 5-7**).

*Jurkevich et al. in view of Turner et al.*

21. Claims 9-10, 19-20, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkevich et al. in view of Turner et al. (USP 6,438,137).
22. With regard to claims 9-10, 19-20, and 29-30, Jurkevich et al. does not specifically disclose that the output of identical frames is accomplished by sending one representative frame and that the plurality of frames are recovered from one representative frame. Turner et al. discloses using such a scheme. Jurkevich et al. discloses the use of integrated packets for transferring both data and voice frames/packets (**Abstract**). Turner et al. also discloses a communications system that aggregates both data and voice packets for transfer along a communications line (**col. 4, lines 41-53 and col. 4, line 67 to col. 5, line 2**). Specifically, Turner et al. discloses the identification, tagging and sending of one representative frame and then the identification and multiple recovery of the representative frame (**col. 8, lines 30-48**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the output and recovery of identical packets disclosed in Turner et al. with the communications system of Jurkevich et al. which transfers integrated data and voice packets or order to increase packet transfer speed and reduce redundant processing of identical packets and increase overall statistical and real efficiency (**col. 3, lines 45-63**).

***Response to Communication***

23. In the communication dated August 03, 2004, Applicant has requested clarification of the rejected claims. Accordingly, the Office Action has been corrected and the corresponding period of reply has been adjusted.

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (a) Nelson et al. (USP 5,164,938) Variable Bandwidth Switching. This reference discloses variable bandwidths depending on the speech or data transfer speed.
- (b) Gugel (US Patent Application 2002/0099881) Method and system of data transfer. This reference discloses multiple buffers for inputs that cyclically changed.
- (c) White et al. (USP 5,524,007) Network Interface Architecture for a packet switch.
- (d) Adams (USP 5,142,532) Communication system.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (703) 305-6959. The examiner can normally be reached on 8:00-4:30.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 18, 2004



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